UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS **EL PASO DIVISION**

LEAGUE OF UNITED LATIN	§	
AMERICAN CITIZENS, et al.,	§	
	§	
Plaintiffs,	§	
EDDIE BERNICE JOHNSON, et al.,	§ § §	EP-21-CV-00259-DCG-JES-JVB [Lead Case]
Plaintiff-Intervenors,	§	&
V.	§	· ·
CDEC ADDOTT in him official among the annual to the	§	All Consolidated Cases
GREG ABBOTT, in his official capacity as	§	
Governor of the State of Texas, et al.,	§	
	§	
Defendants.	§	

ORDER GRANTING BROOKS PLAINTIFFS' MOTION FOR LEAVE TO AMEND AND DISMISSING COALITION CLAIMS SUA SPONTE

As stated on the record at the March 5, 2025 status conference, the Court **GRANTS** the "Brooks Plaintiffs' Motion for Leave to File Fourth Amended Complaint" (ECF No. 862). The Clerk of Court SHALL DOCKET the Brooks Plaintiffs' "Fourth Amended Complaint for Declaratory and Injunctive Relief" (ECF No. 862-1) with its own ECF number as the Brooks Plaintiffs' operative pleading in this case.

Some of the claims that the Brooks Plaintiffs raise in their Fourth Amended Complaint are coalition claims that no longer pass muster under the Fifth Circuit's en banc ruling in Petteway. The Brooks Plaintiffs effectively concede as much; they've retained those claims in their amended pleading primarily to preserve them for appellate review.²

¹ See infra notes 3–5 and accompanying text; see generally Petteway v. Galveston County, 111 F.4th 596 (5th Cir. 2024) (en banc).

² See Brooks Pls.' Mot. Leave, ECF No. 862, at 4 n.2.

Thus, as stated on the record during the March 5th status conference, the Court **DISMISSES** the following coalition claims from the Brooks Plaintiffs' Fourth Amended Complaint *sua sponte*:

- "Count 5 Discriminatory Results in Violation of Section 2 of the Voting (1) Rights Act, 52 U.S.C. § 10301 et seq., 42 U.S.C. § 1983 (State Senate/Tarrant County, Black and Latino Coalition)"³
- "Count 7 Discriminatory Results in Violation of Section 2 of the Voting (2) Rights Act, 52 U.S.C. § 10301 et seq., 42 U.S.C. § 1983 (Congress, Dallas/Fort Worth Black & Latino Coalition)"4
- "Count 10 Discriminatory Results in Violation of the Voting Rights Act, (3) 52 U.S.C. § 10301 et seq., 42 U.S.C. § 1983 (State House Districts in Bell County, Black and Latino Coalition)"5

All other claims that the Brooks Plaintiffs assert in their Fourth Amended Complaint **REMAIN** LIVE. The Brooks Plaintiffs shall therefore **REMAIN DESIGNATED** as active plaintiffs in this case.

³ See Brooks Pls. 4th Am. Compl., ECF No. 862-1, at 65-66; see also id. at 32-36.

⁴ *See id.* at 67; *see also id.* at 38.

⁵ See id. at 69; see also id. at 58–63.

So ORDERED and SIGNED this 12th day of March 2025.

DAVID C. GUADERRAMA SENIOR U.S. DISTRICT JUDGE

And on behalf of:

Jerry E. Smith United States Circuit Judge U.S. Court of Appeals, Fifth Circuit

-and-

Jeffrey V. Brown United States District Judge Southern District of Texas